

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eugenio A. Cefali
Application No. : 08/962,421 Confirmation No.:
Filed : October 31, 1997
For : INTERMEDIATE RELEASE NICOTINIC ACID
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA
WHICH EXHIBIT AN IN VIVO STAIR-STEPPED
ABSORPTION CURVE
Group : 1615
Examiner : James M. Spear

RECEIVED

JAN 16 2003

OFFICE OF PETITIONS

Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202

Attn: OFFICE OF PETITIONS

TRANSMITTAL LETTER

Sir:

Transmitted herewith:

[X] A Petition to Revive Application Under 37 C.F.R.

§ 1.137(b);

[X] Issue Fee Transmittal (in duplicate);

[X] Withdrawal of Small Entity Status;

[X] Five sheets of Formal Drawings (Figures 1-5);

[X] A Transmittal Letter for Formal Drawings;

[X] A Declaration of Peter J. Manso in Support of
Petition to Revive; and

[X] A Declaration of Karen J. Messick in Support of
Petition to Revive.

Also transmitted herewith:

[X] A Petition for Withdrawal from Issue under 37
C.F.R. § 1.313(c)(2);

[X] A Request for Continued Examination of
Application (in duplicate); and

[X] A Preliminary Amendment with Appendix of
Amendments attached thereto.

Also transmitted herewith:

[X] A Request to Correct Inventorship Under 37 C.F.R.
§ 1.48(a);

[X] A Statement of David J. Bova Under 37 C.F.R.
§ 1.48(a)(2) in Support of Request to Correct Inventorship;

[X] A Statement of Juan Rodriguez Under 37 C.F.R.
§ 1.48(a)(5) in Support of Request to Correct Inventorship with
Exhibit A--A copy of executed Assignment from Eugenio A.
Cefali;

☒ An executed Declaration/Power of Attorney from
Eugenio A. Cefali and David J. Bova; and

☒ A Request to Perfect Priority Claim; to be filed
in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 18 =	\$
INDEPENDENT CLAIMS	-	** =	X \$ 84 =	\$
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$ 280 =	\$
			TOTAL	<u>\$</u>
* If less than 20, insert 20.				
** If less than 3, insert 3.				

☐ A check in the amount of \$_____ in payment of the filing
fee is transmitted herewith.

☒ The Director is hereby authorized to charge the amount of
\$1,300.00, in payment of the issue fee, to Deposit Account

No. 50-2543 (Kos). A duplicate copy of this transmittal letter is transmitted herewith.

[X] The Director is hereby authorized to charge the amount of \$30.00, in payment of the fee for 10 advance order copies to Deposit Account No. 50-2543 (Kos). A duplicate copy of this transmittal letter is transmitted herewith.

[X] The Director is hereby authorized to charge the amount of \$1,300.00, in payment of the fee for the Petition to Revive set forth in 37 C.F.R. § 1.17(m), to Deposit Account No. 50-2543 (Kos). A duplicate copy of this transmittal letter is transmitted herewith.

[X] The Director is hereby authorized to charge the amount of \$130.00 in payment of the fee for the Petition to Withdraw From Issue set forth in 37 C.F.R. § 1.17(h), to Deposit Account No. 50-2543 (Kos). A duplicate copy of this transmittal letter is transmitted herewith.


[X] The Director is hereby authorized to charge the amount of \$750.00, in payment of the RCE filing fee set forth in 37 C.F.R. § 1.17(e), to Deposit Account No. 50-2543 (Kos). A duplicate copy of this transmittal letter is transmitted herewith.

[X] The Director is hereby authorized to charge the amount of \$130.00, in payment of the processing fee for the Request to Correct Inventorship set forth in 37 C.F.R. § 1.17(i), to Deposit Account No. 50-2543 (Kos). A duplicate copy of this transmittal letter is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16 or § 1.17, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-2543 (Kos). A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,

Date: 1/15/03


Karen J. Messick (Reg. No. 46,256)
Attorney for Applicant
c/o KOS Pharmaceuticals, Inc.
1001 Brickell Bay Drive
25th Floor
Miami, Florida 33131
Tel.: (305) 523-3643